

## **II. REMARKS**

### **A. Status of the Claims**

Claims 1-43 were pending in the case at the time of the Office Action. Claims 33-43 have been canceled without prejudice or disclaimer as being directed to a non-elected invention. No new claims have been added. Thus, claims 1-32 are currently under consideration.

### **B. Response to Restriction Requirement**

In response to the restriction requirement imposed by the Examiner, Applicants herein elect, without traverse, the Group I invention (claims 1-32, drawn to a method for preparing a peptide antigen with modulated immunogenicity, said method comprising substituting at least a first amino acid located in a CTL epitope with a first substituted amino acid residue having an extended or shortened side chain as compared to the first amino acid residue). Claims 33-43 have been canceled without prejudice or disclaimer as being directed to a non-elected invention.

### **C. Response to Election of Species**

In response to the election of species imposed by the Examiner, Applicants elect, without traverse, F8-1: KIFGSLA-iso-Phe-L (SEQ ID NO:11). This peptide includes the unnatural amino acid iso-Phe to modulate the side chain. The claims that read upon this selected species include claims 1-6, 8-9, and 14-32. Applicants further elect, without traverse, “an increase in the antigen’s ability to protect CTL’s from activation induced cell death” as the “modulation of immunity.” Claims readable upon this modulation of immunity include claims 1-32. In accordance with *MPEP* §809.03, these generic claims qualify as linking claims. Applicants note that in accordance with *MPEP* §809.03 and §809.04, upon allowance of any linking claim, Applicants are entitled to have the nonelected species considered by the Examiner.

**D. Conclusion**

The Examiner is invited to contact the undersigned attorney at (512) 536-5639 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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Date: July 20, 2007